

**BOROUGH OF HARVEYS LAKE
ORDINANCE NO. _____ OF 2010**

AN ORDINANCE AMENDING THE HARVEYS LAKE BOROUGH ZONING ORDINANCE OF MAY 20, 2009.

SECTION 1

Article 5, Zoning District Regulations, is hereby amended to delete in its entirety Section 506, S-1 Shoreline District, including all subsections thereunder. A copy said Section 506, S-1 Shoreline District and the subsections thereunder is included as Exhibit A, which is attached hereto and made a part hereof.

SECTION 2

ARTICLE 2 - DEFINITIONS

Article 2, Definitions is hereby amended as follows

The term “Boat House” which currently reads as follows:

BOAT HOUSE:

A structure which is constructed completely over a body of water, designed and used exclusively to provide shelter for water craft or for marine-related equipment.

IS HEREBY AMENDED TO READ AS FOLLOWS:

BOATHOUSE

A structure, which has direct access to a body of navigable water and is used only for the storage of vessels and associated equipment.

The term “Accessory Use” which currently reads as follows:

ACCESSORY USE:

A use incidental to, and on the same lot as, principal use.

IS HEREBY AMENDED TO READ AS FOLLOWS:

ACCESSORY USE:

A use customarily incidental and subordinate to the principal use or principal structure, which does not change the character of the permitted principal use or principal structure and is located on the same lot and within the same zoning district with such permitted principal use or principal structure.

The term "Site Plan" which currently reads as follows:

SITE PLAN:

A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and features proposed for a specific parcel of land affixed with seal of a licensed Professional Land Surveyor or Registered Professional Engineer who prepared said plan.

IS HEREBY AMENDED TO READ AS FOLLOWS:

SITE PLAN:

A plan prepared to scale, showing accurately and with complete dimensions, the following information:

- a. The boundaries of a site, property, lot and/or parcel of land.
- b. The location of all buildings, structures, development, improvements, uses, and man-made and/or natural features, existing and proposed, including setback distances to property lines.
- c. **The topography of the site, property, lot and/or parcel of land based upon five (5) foot contour intervals unless specified otherwise.**
- d. **Areas located within a 100 –Year Flood Plain based upon the most recent FEMA Flood Insurance Maps for Harveys Lake Borough.**
- e. **Areas located within wetlands.**
- f. Any additional information required to determine compliance with applicable provisions of this Ordinance.

A Site Plan shall be dated and affixed with seal of a licensed Professional Land Surveyor or Registered Professional Engineer who prepared said plan.

SECTION 3

ARTICLE 2 - DEFINITIONS

Article 2, Definitions is hereby amended to include the following terms which shall read as follows:

BOAT STORAGE, NONCOMERICIAL:

A place, site or structure used to park, house or store on any one lot, three or fewer vessels, excepting canoes, rowboats and kayaks.

SHORELINE:

The line at which land adjoins the waters of lakes, ponds, rivers and streams at the normal high water mark.

SHORELINE FRONTAGE:

The shortest horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high-water line, as defined in Article 2 of this Ordinance.

STORAGE SHED:

An enclosed accessory structure used to store materials or equipment which supports the principal use of the site.

USE:

The purpose or activity, for which land, buildings and/or structures are designed, arranged or intended or for which land, buildings and/or structures are occupied and maintained.

SECTION 4

Article 5, Zoning District Regulations is hereby amended to include Section 506, Shoreline District, which shall read as follows:

SECTION 506 S-1 SHORELINE DISTRICT:

The purposes of the Shoreline District regulations shall be to protect the lakefronts and the shorelines of the Borough of Harveys Lake and to maintain safe, healthful conditions and to prevent and control water pollution and to control building sites and the placement of structures and to preserve shore cover and natural beauty. The use of land and water, the size, type and location of structures on lots, the installation of waste disposal facilities, the filling, grading, and dredging of any land and the cutting of shoreline vegetation shall be in full compliance with this section, other provisions of this Ordinance and other applicable ordinances and regulations.

- A. Site plan: The use, development and/or improvements to any property located in the S-1 District shall require the submission of a Site Plan, as defined in this Ordinance. Said Site Plan shall be submitted with and shall be deemed to be part of the required Zoning Permit Application for the proposed use, development and/or improvements of the subject property. **The required topography for property in the S-1 District shall be based on two (2) foot contour intervals.**

- B. General standards: In addition to the standards set forth throughout this Ordinance, the following standards shall apply to the use, development and/or improvements of properties located within the S-1 District:
 - (1) The use, development and/or improvements of any property which extends into the water shall require the submission and approval of the appropriate Water Encroachment Permit under the jurisdiction

of the Pennsylvania Department of Environmental Protection. Documentation of said approval shall be submitted with the Zoning Permit Application for the subject property.

- (2) The use, development and/or improvements of any property shall require the submission and approval of Soils Erosion and Sedimentation Control Plan by the Luzerne County Conservation District. Documentation of said approval shall be submitted with the Zoning Permit Application for the subject property.
- (3) Water supply and sewage disposal facilities may be provided for any use, development and/or improvements in the S-1 District that does not include a dwelling unit
- (4) Water supply and sewage disposal facilities shall be required for any use, development and/or improvements that include a dwelling unit.
- (5) Not more than one (1) dwelling unit shall be permit upon a lot, property and/or parcel of land located within the S-1 District.
- (4) All parking, loading or similar areas shall be paved and/or constructed with permeable materials.
- (5) Lighting devices shall be oriented so as to minimize disturbances on surrounding properties.

506.1 PERMITTED USES:

Boathouse
Boat Storage, Noncommercial
Dwelling Unit, as defined in Article 2 of this Ordinance
Private and Public Beaches
Private and Public Docks
Off-street accessory parking - Zoning approval shall subject to securing a Highway Occupancy Permit from PennDOT.

506.2 USES PERMITTED BY SPECIAL EXCEPTION:

NONE

506.3 CONDITIONAL USES

NONE

506.4 DIMENSIONAL REGULATIONS:

A. Minimum Lot Area: NONE

B. Minimum Shoreline Frontage: **Fifty (50') feet**

- C. Front Yard: Ten (10') feet from the public right-of-way
- D. Rear Yard: Zero (0') feet to the Shoreline
- E. Side Yard: (Extending into the Lake) No part of any dock, boathouse, structure and/or other improvement extending beyond the shoreline shall be less than **ten (10')** feet to the extended side yard property line of the lot or parcel based upon the shoreline frontage of the subject property.
- F. Side Yard: (Not extending into the Lake) the side yard shall be not less than **ten (10') feet** on each side.

B. Maximum Lot Coverage and/or Development/Improvements

The maximum amount of lot coverage and/or development/improvements to a property within the S-1 District shall be based upon the Site Plan based upon the following calculations:

1. Determine area of land in square feet, not extending beyond the shoreline of a property, or beyond its existing front yard and side yard property boundaries.
2. Determine the square feet of surface water extending fifty (50') feet beyond the shoreline frontage of the property with the subject calculations based upon the length of the shoreline frontage multiplied by a distance fifty (50') feet beyond the shoreline.

The sum of the above areas of square feet determined under Item 1 and Item 2 multiplied by .60 shall represent the maximum square feet of lot coverage and/or development/improvements to a property that may be constructed on land and/or extending into and over the water. Exhibit B, which is attached hereto and made a part hereof, provides an illustrated sample of the above regulations.

C. Height Regulations:

- (1) The deck of a dock, boathouse or any other structure shall have an elevation that shall not exceed an elevation which is four (4) feet higher than the elevation of spillway at the outlet dam which is 1253.40 feet. A determination of compliance for the above item shall require the applicant to submit a certified shoreline elevation sealed by a Licensed Professional Land Surveyor.
- (2) The maximum height of a boat house, dwelling unit or any other structure as measured from the highest point of the deck of the dock shall not exceed twelve (12) feet. (Refer

to Building Height definition under Section 203 for more information).

- (3) A boathouse shall extend a minimum of ten (10) feet into the water to accommodate watercraft.

506.5 SUPPLEMENTARY REGULATIONS:

- A. Maximum Dock Width: The width of the property, less the required side yard setback of ten (10') feet on each side from the extended side yard property line of the lot or parcel based upon the shoreline frontage of the subject property.
- B. Maximum Dock Length: Fifty (50') feet, but not to exceed twenty (20%) percent of the distance to the nearest point on the opposite shore. A determination of compliance may, at the discretion of the Zoning Officer, require the submission certification of the distance of a proposed dock to the nearest point on the opposite shore by a Licensed Professional Land Surveyor
- C. Required Off-Street Parking: The use, development and/or improvements of any property, based upon the definitions of the above terms as set forth in Article 2 of this Ordinance, shall require a minimum of two (2) off-street parking spaces. **An approved Highway Occupancy Permit from PennDOT must be submitted with the required Site Plan and Zoning Permit Application.**

SECTION 5

Article 3, General Regulations, Section 316, Setback Exemption for Structural Replacements which currently reads as follows:

SECTION 316 SETBACK EXEMPTIONS FOR STRUCTURAL REPLACEMENTS

Any structural portion of a building, such as a deck, patio, porch or similar feature which is need of repair to the point of replacement shall be exempt from complying with the applicable setback requirements when all of the following conditions exist:

- A. The use of the building represents a use permitted by right in the district in which it is located.
- B. There are no outstanding zoning or building code violations against the owner of the property.
- C. The structural replacement shall be the exact same location and structural replacement shall be the same size and height, or less, than that which is being replaced.

- D. A photograph of the subject property, taken prior to the start of work, must be submitted to the Zoning Officer with a completed zoning permit application, along with any other information deemed necessary by the Zoning Officer to process the application.

IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 316 SETBACK EXEMPTIONS FOR STRUCTURAL REPLACEMENTS

Any exterior structural portion of a building such as a deck, patio, porch or similar feature or a water based structure in the S-1 District such as a dock and/or boathouse that does not meet the applicable required setback requirements of this Ordinance and is need of repair to the point of replacement shall be exempt from complying with such setback requirements when all of the following conditions exist:

- A. The use of the building and/or structure represents a use permitted by right in the district in which it is located.
- B. There are no outstanding zoning or building code violations against the owner of the property.
- C. The exterior structural replacement for a portion of a building and/or the replacement of a water based structure in the S-1 District may be at the exact same location subject to said location being not less than 50% of the required applicable setback distance for the Zoning District in which it is located. The exterior structural replacement for a portion of a building and/or the replacement of a water based structure shall be the same size, dimensions and height, or less, than that which is being replaced.
- D. A photograph of the subject property, taken prior to the start of work, must be submitted to the Zoning Officer with a completed Zoning Permit Application and applicable fee, along with any other information deemed necessary by the Zoning Officer to process the application. **A Site Plan shall be required for properties located in the S-1 District.**
- E. The provisions of this Section shall not be applied if the exterior structural portion of a building to be replaced and/or the replacement of a water based structure extend beyond the property line. **In such cases, the replacement shall meet the applicable setback requirements in the Zoning District in which it is located, unless a variance for a lesser setback distance is approved by the Zoning Hearing Board.**

SECTION 6

ALL OTHER ORDINANCES, OR PARTS THEREOF, WHICH ARE INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH BEING INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

SECTION 7

IF ANY ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON DECLARED TO BE INVALID, ILLEGAL OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINING PROVISIONS SHALL BE UNAFFECTED BY SAID DECLARATION. IT IS THE INTENTION OF THE BOROUGH COUNCIL OF HARVEYS LAKE BOROUGH THAT THIS ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL, ILLEGAL OR INVALID PART NOT BEEN INCLUDED.

THIS ORDINANCE SHALL BECOME EFFECTIVE FROM THE DATE OF ITS APPROVAL AND ADOPTION AS PROVIDED BY LAW.

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF HARVEYS LAKE BOROUGH, LUZERNE COUNTY, PENNSYLVANIA, THIS 16th DAY OF NOVEMBER, 2010.

FRANCIS KOPKO, PRESIDENT OF COUNCIL

MAYOR CLARANCE HOGAN

ATTEST:

SUSAN SUTTON, BOROUGH SECRETARY